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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MACKENZIE SPURLOCK, BRENDAN
TREVORS, and MATANUSKA DIESEL,
LLC,

Defendants.

No. 3:23-cr-00109-SLG-KFR

COUNT 1:
CONSPIRACY TO VIOLATE THE
CLEAN AIR ACT
Vio. of 18 U.S.C. § 371

COUNTS 2-10:
TAMPERING WITH CLEAN AIR ACT
MONITORING DEVICE
Vio. of 42 U.S.C. § 7413(c)(2)(C)

INDICTMENT

The Grand Jury charges that:

COUNT 1

A. Overview

1. Beginning no later than July 21, 2020, and continuing until at least on or about June 8, 2022, within the District of Alaska, the defendants, MACKENZIE SPURLOCK, BRENDAN TREVORS, and MATANUSKA DIESEL, LLC, conspired with others known

and unknown to the government to remove required air pollution control equipment and tamper with federally-mandated monitoring devices on diesel trucks in violation of the Clean Air Act.

2. MATANUSKA DIESEL, LLC operates a diesel repair shop located at 761 W. Wasair Drive, Wasilla, Alaska. MACKENZIE SPURLOCK and BRENDAN TREVORS co-owed MATANUSKA DIESEL, LLC from its formation on July 2, 2020, through sometime in 2022, when SPURLOCK became the sole owner. After that, TREVORS continued working at MATANUSKA DIESEL, LLC.

B. Unlawful Tampering with Diesel Truck Emissions Systems

3. The Clean Air Act directs the United States Environmental Protection Agency (EPA) to issue regulations limiting the amount of pollutants that motor vehicles, including diesel vehicles, can emit. To meet these standards, diesel vehicle and engine manufacturers have developed a variety of emissions control equipment, including devices known as selective catalytic reduction systems (SCRs), diesel particulate filters (DPFs), and exhaust gas recirculation systems (EGRs). Together, these hardware emissions control devices, along with others, make up a diesel vehicle's emissions control system and are critical to ensuring that the vehicle complies with the Clean Air Act's emissions standards.

4. EPA regulations also require vehicle and engine manufacturers to install on their vehicles and engines monitoring devices known as on-board diagnostic systems (OBDS). The OBD is a computer-based system that monitors the operation of both the engine and emission control components.

5. Persons seeking to evade the Clean Air Act's pollution controls have developed

methods of modifying or removing emissions control systems and reprogramming the OBDs to prevent the OBDs from detecting the emission systems' removal. These modifications are often marketed to diesel vehicle owners as improving the horsepower, torque, and other characteristics of diesel engines. These unlawful modifications result in a dramatic increase in multiple pollutants being emitted by each vehicle.

6. The act of removing emission control systems is known as “deleting,” and the act of reprogramming the OBDs is known as “tuning.” Reprogramming an OBD typically involves installing a tune file on the OBD through a tuning device or tuner.

7. Reprogramming an OBD to prevent it from detecting the removal of emission control systems constitutes tampering with and rendering inaccurate a monitoring device required under the Clean Air Act.

C. The Conspiracy

8. Beginning no later than July 21, 2020, and continuing until at least on or about June 8, 2022, within the District of Alaska, the defendants, MACKENZIE SPURLOCK, BRENDAN TREVORS, and MATANUSKA DIESEL, LLC, and others known and unknown to the Grand Jury, did knowingly combine, conspire, confederate, and agree with each other to modify and delete the emissions control systems of diesel vehicles and further agreed to knowingly falsify, tamper with, and render inaccurate the vehicles' OBDs, monitoring devices and methods required to be maintained under the Clean Air Act in violation of 42 U.S.C. § 7413(c)(2)(C).

9. The object of the conspiracy was to generate revenue for MATANUSKA DIESEL, LLC and its employees, including SPURLOCK and TREVORS, by charging a fee to delete

and tune diesel vehicles.

D. Manner and Means

10. MACKENZIE SPURLOCK and BRENDAN TREVORS agreed with each other to offer deleting and tuning services to MATANUSKA DIESEL, LLC's customers.

11. Knowing that deleting and tuning vehicles was illegal, MACKENZIE SPURLOCK and BRENDAN TREVORS agreed with each other to conceal their conduct by:

- a. Advertising deletes and tunes only by word of mouth;
- b. Shipping parts to, and deleting and tuning vehicles at SPURLOCK's residence, rather than at the MATANUSKA DIESEL, LLC shop; and
- c. Deliberately failing to create work orders and invoices for such work, and completing work orders and invoices without identifying the tuning and deleting actually performed.

12. The defendants, MACKENZIE SPURLOCK, BRENDAN TREVORS, and MATANUSKA DIESEL, LLC, performed deletes and tunes and caused others to do so. That process involved removing exhaust systems and their corresponding emissions components from customers' vehicles. Those were replaced with exhaust pipes with no emission controls, known as straight or race pipes. The defendants also ordered and installed EGR kits to block off an emissions control device on the engine. MATANUSKA DIESEL, LLC paid for those delete parts.

13. MATANUSKA DIESEL, LLC and MACKENZIE SPURLOCK ordered tune files, primarily from Cameron Koole at 12 Volt Install, to load onto customers' OBDs. They also ordered tuners and tuning-related software for that purpose.

14. MATANUSKA DIESEL, LLC and MACKENZIE SPURLOCK used an EFI Live Autocal tuner to install tune files on customers' vehicles.

15. In addition to deleting and tuning vehicles themselves and through their employees, the defendants MACKENZIE SPURLOCK, BRENDAN TREVORS, and MATANUSKA DIESEL, LLC assisted customers in deleting and tuning their own vehicles.

16. MATANUSKA DIESEL, LLC charged customers approximately \$1200 to \$5000 for delete and tune services.

E. Overt Acts

17. In furtherance of the conspiracy, and to accomplish one or more of its objects, MACKENZIE SPURLOCK, BRENDAN TREVORS, and MATANUSKA DIESEL, LLC and others known and unknown to the Grand Jury, undertook, and caused to be undertaken, one or more of the following overt acts, which are representative of defendants' various acts in furtherance of the conspiracy, at Wasilla and elsewhere within the District of Alaska:

OA1. On July 21, 2020, MATANUSKA DIESEL, LLC purchased a "mini maxx tuner, egr kit and dpf pipe and shipping 2nd day air to Alaska," to be delivered to MACKENZIE SPURLOCK at 761 Wasair Dr., Wasilla, AK.

OA2. On July 29, 2020, MATANUSKA DIESEL, LLC purchased "custom tunes for the 2015 Ford." Those items were delivered to MACKENZIE SPURLOCK's residence.

OA3. On November 10, 2020, MATANUSKA DIESEL, LLC purchased a

2018 Powerstroke 5-inch exhaust system and 2018 Ford EGR kit.

OA4. On April 22, 2021, BRENDAN TREVORS, on behalf of MATANUSKA DIESEL, LLC, sold several catalytic converters from diesel trucks to Scrap Rats Recycling for \$1600.

OA5. On May 7, 2021, MACKENZIE SPURLOCK purchased on eBay a cable used to connect a tuner to Ford Powerstroke diesel trucks.

OA6. On May 7, 2021, MATANUSKA DIESEL, LLC, through BRENDAN TREVORS, purchased tuning-related software from Derive Systems.

OA7. On May 18, 2021, MATANUSKA DIESEL, LLC, through MACKENZIE SPURLOCK, purchased tuning-related software from Derive Systems.

OA8. On May 22, 2021, MACKENZIE SPURLOCK purchased a tuner on eBay for \$1,265, to be shipped to his residence.

OA9. On June 1, 2021, MACKENZIE SPURLOCK purchased on eBay software for a tuner. SPURLOCK emailed the seller, stating “just bought your unlock tunes.”

OA10. On July 2, 2021, MACKENZIE SPURLOCK, on behalf of MATANUSKA DIESEL, LLC, sold several catalytic converters from diesel trucks to Scrap Rats Recycling for \$500.

OA11. On August 17, 2021, MACKENZIE SPURLOCK, on behalf of MATANUSKA DIESEL, LLC, sold several catalytic converters from

diesel trucks to Scrap Rats Recycling for \$1,300.

OA12. On August 25, 2021, MACKENZIE SPURLOCK purchased on eBay a selector switch for a tuner, to be shipped to his residence.

OA13. On October 26, 2021, MATANUSKA DIESEL, LLC, through MACKENZIE SPURLOCK, purchased software for a tuner from H&S Unlock Codes.

OA14. On October 29, 2021, MACKENZIE SPURLOCK purchased software for a tuner from H&S Unlock Codes.

OA15. On December 8, 2021, MACKENZIE SPURLOCK emailed MATANUSKA DIESEL, LLC a photo of a 2009 Dodge Ram. MATANUSKA DIESEL, LLC forwarded that email to 12 Volt Install requesting a “heavy tune.”

OA16. On December 14, 2021, MATANUSKA DIESEL, LLC emailed 12 Volt Install stating, “I need kits for 2008+ dodge delete pipe and full 4,” “2011+ ford full 4,” and “2015+ no bolts duramax delete pipe.”

18. The defendants also undertook and caused to be undertaken the following overt acts relating to identified diesel vehicles:

OA17. **2013 Dodge Ram 3500, VIN ending 7416.** On October 1 and 2, 2020, MATANUSKA DIESEL, LLC received by email tune files for a 2013 Dodge Ram 3500 from 12 Volt Install.

OA18. **2012 Chevrolet Silverado 3500, VIN ending 9273.** On October 14, 2020, MATANUSKA DIESEL, LLC purchased and received from 12

Volt Install a tune file for a 2012 Chevrolet Silverado 3500.

OA19.2016 Dodge Ram 3500, VIN ending 3099. On October 30 and November 2, 2020, MATANUSKA DIESEL, LLC purchased and received from 12 Volt Install tune files for a 2016 Dodge Ram 3500.

OA20.2008 Dodge Ram 2500, VIN ending 0825. On November 9, 2020, MATANUSKA DIESEL, LLC purchased a “2008 Cummins EGR Kit” from Hotrod Performance. On November 10 and 18, 2020, MATANUSKA DIESEL received tune files for a 2008 Dodge Ram 2500 from 12 Volt Install.

OA21.2012 Chevrolet Silverado 3500, VIN ending 9160. On November 10, 2020, MATANUSKA DIESEL, LLC received from 12 Volt Install a tune file for a 2012 Chevrolet Silverado 3500.

OA22.2012 Chevrolet Silverado 2500, VIN ending 2962. On November 13, 2020, MATANUSKA DIESEL, LLC purchased a “Duramax delete pipe” for a 2012 Chevrolet Silverado 2500 from Hotrod Performance. On November 16, 2020, MATANUSKA DIESEL purchased from 12 Volt Install a tune file for a 2012 Chevrolet Silverado 2500.

OA23.2016 Dodge Ram 1500, VIN ending 6246 (See Count 2). On November 30, 2020, MATANUSKA DIESEL, LLC purchased a 2016 Eco Diesel EGR Kit and Eco Diesel DPF Pipe from Hotrod Performance. The items were sent to BRENDAN TREVORS at SPURLOCK’s residence.

OA24.2018 Ford F-350, VIN ending 9178. On December 21, 2020, MATANUSKA DIESEL, LLC prepared a work order for a 2018 Ford F-350 for a “pusher 3’ hotside boost tube.” On December 21 and 22, MATANUSKA DIESEL, LLC purchased a Ford EGR Kit and exhaust kit from Hotrod Performance, which were sent to SPURLOCK’s residence. Those parts were used by a customer to delete and tune his 2018 Ford F-350.

OA25.2016 Chevrolet Silverado 2500, VIN ending 4140. In February 2021, MATANUSKA DIESEL, LLC ordered a “delete pipe” and “tunes” for a 2016 Chevrolet 2500. On February 26, 2021, MATANUSKA DIESEL, LLC purchased from 12 Volt Install tune files for that vehicle.

OA26.2015 Chevrolet Silverado 3500, VIN ending 3270. On March 11, 2021, MATANUSKA DIESEL, LLC received by email from 12 Volt Install a tune file for a 2015 Chevrolet Silverado.

OA27.2016 GMC Sierra 2500, VIN ending 7762. On April 16, 2021, MATANUSKA DIESEL, LLC received by email from 12 Volt Install tune files for a 2016 GMC Sierra 2500.

OA28.2008 Dodge Ram 3500, VIN ending 8478. On May 7, 2021, MATANUSKA DIESEL, LLC purchased from 12 Volt Install a tune file for a 2008 Dodge Ram 3500. On May 11, 2021, MACKENZIE SPURLOCK purchased on eBay an exhaust pipe for a Dodge Ram, to be shipped to his residence.

OA29.2015 Ford F-350, VIN ending 9665. On May 25, 2021, MATANUSKA DIESEL, LLC, through MACKENZIE SPURLOCK, prepared a work order for a 2015 Ford F-350 for “Parts. Fuel filter kit, oil filter, oil, antifreeze. Labor. Fuel filter R&R.” MATANUSKA DIESEL, LLC ordered that customer a “4[inch] full exhaust, plate kit, soft switch.”

OA30.2013 Chevrolet Silverado 3500, VIN ending 5133 (See Count 3). On June 4, 2021, MATANUSKA DIESEL, LLC, through MACKENZIE SPURLOCK, prepared a work order for a fuel system and air filter installation for a 2013 Chevrolet Silverado 3500. MATANUSKA DIESEL, LLC ordered a “delete pipe, tune pipe” for that truck.

OA31.2011 Dodge Ram 2500, VIN ending 9494 (See Count 4). On June 8, 2021, MATANUSKA DIESEL, LLC, through MACKENZIE SPURLOCK, prepared a work order for a 2011 Dodge Ram 2500 for, among other things, “tunning” [sic] and exhaust. On June 22 and 23, 2021, MATANUSKA DIESEL, LLC purchased exhaust parts for that vehicle.

OA32.2008 GMC Sierra 2500, VIN ending 6478 (See Count 5). On June 30, 2021, MATANUSKA DIESEL, LLC, through MACKENZIE SPURLOCK, prepared an invoice for a 2008 GMC Sierra 2500 for a fuel system installation. MATANUSKA DIESEL, LLC, ordered a “full 4 inch exhaust, tune.”

OA33.2010 Dodge Ram 2500, VIN ending 4702. On July 29, 2021,

MATANUSKA DIESEL, LLC purchased from 12 Volt Install tune files for a 2010 Dodge Ram 2500.

OA34.2013 Chevrolet Silverado 2509, VIN ending 4452. On July 31, 2021, MATANUSKA DIESEL, LLC, through MACKENZIE SPURLOCK, prepared a work order for “Diagnostics” for a 2013 Chevrolet 2500. MATANUSKA DIESEL, LLC ordered a “delete pipe/tune” for that truck.

OA35.2015 Chevrolet Express 3500, VIN ending 3653 (See Count 6). On August 3, 2021, MATANUSKA DIESEL, LLC, received by email from 12 Volt Install a tune file for a 2015 Chevrolet Express 3500 van. MATANUSKA DIESEL, LLC, also ordered an exhaust pipe for that van.

OA36.2011 GMC Sierra 2500, VIN ending 7474 (See Count 7). On August 26, 2021, MATANUSKA DIESEL, LLC sent an email to 12 Volt Install providing the VIN for a 2011 GMC Sierra 2500 and requesting a “tune” for a “deleted” truck. 12 Volt Install sent back tune files on August 26 and 27, 2021 that MATANUSKA DIESEL, LLC paid for.

OA37.2011 Chevrolet Silverado 3500, VIN ending 3850. On September 29, 2021, MATANUSKA DIESEL, LLC purchased from 12 Volt Install a tune file for a 2011 Chevrolet Silverado 3500.

OA38.2009 Dodge Ram 3500, VIN ending 9759. On November 9 and 10, 2021, MATANUSKA DIESEL, LLC purchased from 12 Volt Install tune files for a 2009 Dodge Ram 3500.

OA39.2014 Dodge Ram 5500, VIN ending 3855. On January 4, 2022, MATANUSKA DIESEL, LLC emailed 12 Volt Install requesting a tune file for a 2014 Dodge Ram 5500. 12 Volt Install sent MATANUSKA DIESEL, LLC tune files for that Ram on January 4, 5, 26, and 27, 2022.

OA40.2015 Chevrolet Silverado 3500, VIN ending 1892. On January 20, 2022, MATANUSKA DIESEL, LLC sent 12 Volt Install an email with specifications for a 2015 Chevrolet Silverado 3500. 12 Volt Install sent MATANUSKA DIESEL, LLC a tune file for that vehicle on January 26, 2022.

OA41.2015 Ford F-350, VIN ending 2522 (See Count 9). On January 28, 2022, MATANUSKA DIESEL, LLC sent 12 Volt Install an email with the subject “Exhausts,” stating “Can I get a 15 Cummins delete pipe and 15 ford delete pipe coming.” On January 29, 2022, MATANUSKA DIESEL, LLC prepared an invoice for a 2015 Ford F-350 for “Full servicing.” MATANUSKA DIESEL, LLC ordered a “pipe, egr kit, tow tune” for that truck.

OA42.2015 GMC Sierra 3500, VIN ending 3344 (See Count 10). On February 25, 2022, MATANUSKA DIESEL, LLC received by email from 12 Volt Install two tune files for a 2015 GMC Sierra 3500. MATANUSKA DIESEL, LLC also ordered a “delete pipe” for that truck.

OA43.2016 GMC Sierra 2500, VIN ending 0652 (See Count 8). On February 28, 2022, MATANUSKA DIESEL, LLC prepared an invoice

for a 2016 GMC Sierra 2500 for a fuel pump installation. MATANUSKA DIESEL, LLC ordered a “delete pipe, egr delete” for that truck. MATANUSKA DIESEL, LLC sent an updated invoice on April 8, 2022. **OA44.2008 Chevrolet Silverado 2500, VIN ending 0301.** On May 17, 2022, MATANUSKA DIESEL, LLC prepared a repair order for a 2008 Chevrolet 2500 for “Full 4 [inch] Exhaust” and “tuning.”

All of which is in violation of 18 U.S.C. § 371.

COUNTS 2-10

19. Paragraphs 1-18 of this Indictment are incorporated by reference.
20. On or about the dates listed below, within the District of Alaska, the defendants, MACKENZIE SPURLOCK, BRENDAN TREVORS, and MATANUSKA DIESEL, LLC, did knowingly falsify, tamper with, render inaccurate, and fail to install, monitoring devices and methods required to be maintained under the Clean Air Act, that is, the on-board diagnostic devices on the diesel vehicles listed below.

| Count | Dates | Vehicle Type | VIN Ending |
|-------|------------------------|-------------------------------|------------|
| 2 | 11/23/2020 – 6/19/2021 | 2016 Dodge Ram 1500 | 6246 |
| 3 | 6/4/2021 – 6/30/2021 | 2013 Chevrolet Silverado 3500 | 5133 |
| 4 | 6/8/2021 – 6/24/2021 | 2011 Dodge Ram 2500 | 9494 |
| 5 | 6/11/2021 – 6/30/2021 | 2008 GMC Sierra 2500 | 6478 |
| 6 | 6/29/2021 – 8/3/2021 | 2015 Chevrolet Express 3500 | 3653 |
| 7 | 5/14/2021-8/27/2021 | 2011 GMC Sierra 2500 | 7474 |
| 8 | 1/2/2022 – 4/8/2022 | 2016 GMC Sierra 2500 | 0652 |
| 9 | 1/10/2022 – 1/29/2022 | 2015 Ford F-350 | 2522 |
| 10 | 2/16/2022 – 2/25/2022 | 2015 GMC Sierra 3500 | 3344 |

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All of which is in violation 42 U.S.C. § 7413(c)(2)(C).

A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ Jennifer Ivers
JENNIFER IVERS
Assistant U.S. Attorney
United States of America

s/ James Klugman for
S. LANE TUCKER
United States Attorney
United States of America

DATE: November 14, 2023